KAREN P. HEWITT
United States Attorney
DAVID M. McNEES
Special Assistant U.S. Attorney
California State Bar No. 216612
Federal Office Building
880 Front Street, Room 6293
San Diego, California 92101-8893
Telephone: (619) 557-5979
E-mail: david.mcnees@usdoj.gov

Attorneys for Plaintiff
United States of America

FILED
07 NOV 21 AM 8:47
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: rP DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. $1,444.00 IN U.S. CURRENCY, Defendant.	Civil No. '07 CV 2223 LAB (POR) COMPLAINT FOR FORFEITURE

By way of complaint against the defendant, $1,444.00 IN U.S. CURRENCY (hereinafter "defendant currency"), the United States of America alleges:

1. This Court has jurisdiction over this action by virtue of the provisions of Title 28, United States Code, Sections 1345 and 1355, and Title 21, United States Code, Section 881.

2. Venue is proper in this district pursuant to Title 21, United States Code, 881(j) because the acts or omissions giving rise to the forfeiture occurred in this district.

3. On March 8, 2007, members of the Narcotics Task Force were conducting an investigation of Jennifer Lynn Horsley ("Horsley") and sales of large amounts of methamphetamine. An undercover agent made contact with Horsley and requested four ounces of methamphetamine. Horsley replied that she could get only one ounce at 8:00 p.m. and maybe another two ounces at 10:00 p.m. They made an agreement to meet a Coco's restaurant at 8:00 p.m. that evening.

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When the undercover agent arrived at Coco's, he observed Horsley parked at the side of the restaurant. The agent exited his vehicle and entered the passenger side of Horsley's vehicle. Horsley pointed to a bulging white envelope in the center console, and said "There it is." The contents of the envelope were later determined to be methamphetamine. The agent took out nine 100-dollar bills and handed them to Horsley. Horsley returned one of the bills, saying that an ounce is only $800. Horsley stated that next time she could sell four ounces of methamphetamine for $3,100. The agent then left the vehicle.

On June 26, 2007, a task force officer ("TFO") observed Horsley driving her vehicle. The TFO requested a marked San Diego Police Department unit to conduct a traffic stop on Horsley. Once the traffic stop was completed, Horsley was placed under arrest for the narcotics sale to the undercover agent that had taken place on March 8, 2007. The TFO then searched Horsley's vehicle incident to the arrest. The TFO located a law enforcement radio frequency scanner that was scanning San Diego Police Department radio frequency, a San Diego County Department of Justice "unmarked car" list, and several pay and owe sheets in Horsley's purse. In the search of Horsley's person incident to arrest, agents located $1,444 in her back pocket. Horsley has four prior convictions relating to the sale of narcotics.

4. On and/or prior to June 26, 2007, the defendant currency was a thing of value furnished or intended to be furnished in exchange for a controlled substance or listed chemical in violation of Title 21 of the United States Code, Section 881.

5. Alternatively, on and/or prior to June 26, 2007, the defendant currency represented the proceeds of or proceeds traceable to an exchange for a controlled substance or listed chemical in violation of Title 21 of the United States Code, Section 881.

6. Because of the aforementioned acts or uses alleged herein, either singly or in combination, the defendant currency is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6).

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7. The defendant currency is presently stored within the jurisdiction of this Court.

WHEREFORE, the United States prays that due process issue to enforce the forfeiture of the defendant, and that due notice be given to all interested parties to appear and show cause why said forfeiture should not be declared.

DATED: 11/20/07

KAREN P. HEWITT
United States Attorney

David M McNees

DAVID M. McNEES
Special Assistant U.S. Attorney

VERIFICATION

I, Paul Marino, hereby state and declare as follows:

1. I am a Task Force Officer with the United States Drug Enforcement Administration.

2. I have read the foregoing complaint and know its contents.

3. The information in the complaint was furnished by official Government sources. Based on this information, I believe the allegations in the complaint to be true.

I declare under penalty of perjury that the foregoing is true and correct, to the best of my knowledge and belief.

Executed on 11/20/07.

PAUL MARINO, Task Force Officer
Drug Enforcement Administration

JS44
(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

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SOUTHERN DISTRICT OF CALIFORNIA
BY: CP DEPUTY

I (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF (EXCEPT IN U.S. PLAINTIFF CASES) San Diego

DEFENDANTS

$1,444.00 IN U.S. CURRENCY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (IN U.S. PLAINTIFF CASES ONLY)

'07 CV 2223 LAB (POR)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

SAUSA DAVID M. McNEES
880 FRONT STREET, ROOM 6293
SAN DIEGO, CA 92101-8893
(619) 557-5979

ATTORNEYS (IF KNOWN)

NICHOLAS DE PENTO
550 WEST "C" STREET, SUITE 1160
SAN DIEGO CA 92101-8518
(619) 236-1151

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX (For Diversity Cases Only) FOR PLAINTIFF AND ONE BOX FOR DEFENDANT

	PT	DEF		PT	DEF
Citizen of This State	☐1	☐1	Incorporated or Principal Place of Business in This	☐4	☐4
Citizen of Another State	☐2	☐2	Incorporated and Principal Place of Business in Another	☐5	☐5
Citizen or Subject of a Foreign Country	☐3	☐3	Foreign Nation	☐6	☐6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

TITLE 21, UNITED STATES CODE, SECTION 881(a)(6)

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
- ☐ 110 Insurance
- ☐ Marine
- ☐ Miller Act
- ☐ Negotiable Instrument
- ☐ 150 Recovery of &Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Loans (Excl. Veterans)
- ☐ 153Recovery of of Veterans Benefits
- ☐ 160 Stockholders Suits
- ☐ Other Contract
- ☐ 195 Contract Product

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease &
- ☐ 240 Tort to Land
- ☐ 245 Tort Product
- ☐ 290 All Other Real

TORTS — PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product
- ☐ 320 Assault, Libel &
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Liability
- ☐ 360 Other Personal

TORTS — PERSONAL INJURY
- ☐ 362 Personal Injury-Medical Malpractice
- ☐ 365 Personal Injury - Product Liability
- ☐ 368 Asbestos Personal Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443
- ☐ 444 Welfare
- ☐ 440 Other Civil Rights

PRISONER PETITIONS
- ☐ 510 Motions to Vacate Habeas Corpus
- ☐ 530 General
- ☐ 535 Death Penalty
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prisoner Conditions

FORFEITURE/PENALTY
- ☐ 610 Agriculture
- ☐ 620 Other Food & Drug
- ☒ 625 Drug Related of Property 21 USC881
- ☐ 630 Liquor Laws
- ☐ 640 RR & Truck
- ☐ 650 Airline Regs
- ☐ 660 Occupational
- ☐ 690 Other

LABOR
- ☐ 710Fair Labor Standards
- ☐ 720 Labor/Mgmt. Relations
- ☐ 730 Labor/Mgmt. Disclosure Act
- ☐ 740 Railway Labor Act
- ☐ 790 Other Labor
- ☐ 791 Empl. Ret. Inc.
- ☐ Security Act

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (13958)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. or Defendant)
- ☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
- ☐ 400 State Reappointment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce/ICC
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced Corrupt Organizations
- ☐ 810 Selective Service
- ☐ 850 Exchange
- ☐ 875 Customer Challenge
- ☐ 891 Agricultural Acts
- ☐ 892 Economic
- ☐ 893 Environmental
- ☐ 894 Energy Allocation
- ☐ 895 Freedom of
- ☐ 900 Appeal of Fee Under Equal Access to
- ☐ 950 Constitutionality of
- ☐ 890 Other Statutory

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removal from State Court
- ☐ 3 Remanded from Appelate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 DEMAND $

Check YES only if demanded in complaint:
JURY DEMAND: ☐ YES ☒ NO

VIII. RELATED CASE(S) IF ANY (See JUDGE Docket Number

CR

DATE 11/20/07

David M McNee

SIGNATURE OF ATTORNEY OF RECORD
DAVID M. McNEES, SAUSA